

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-7141

VINCENT GARNER,

Petitioner - Appellant,

versus

JOHN J. LAMANNA, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the District of
South Carolina, at Florence. Terry L. Wooten, District Judge.
(CA-04-22464-4)

Submitted: October 18, 2005

Decided: October 25, 2005

Before WIDENER, MICHAEL, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Vincent Garner, Appellant Pro Se. Barbara Murcier Bowens, OFFICE
OF THE UNITED STATES ATTORNEY, Columbia, South Carolina, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Vincent Garner, a federal prisoner, appeals the district court's order accepting the recommendation of the magistrate judge and denying relief on his petition filed under 28 U.S.C. § 2241 (2000). Garner claims the district court erred by referring his petition to a magistrate judge, but the district court was well within its jurisdiction to refer the case under 28 U.S.C. § 636(b)(1)(B) (2000). The district court also was not required to obtain Garner's consent to refer the case to a magistrate judge because the magistrate judge did not enter a final order in the case. See United States v. Bryson, 981 F.2d 720 (4th Cir. 1992). Accordingly, we affirm the judgment of the district court. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED